

Appl. No. 10/688,329  
Amdt. dated September 11, 2008  
Reply to Office Action of June 13, 2008

PATENT

**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Fig. 2. This sheet, which includes Fig. 2 replaces the original sheet including Fig. 2

In Fig. 2, please add a line connecting element 0102 and element 0104.

Attachment: Replacement Sheet

**REMARKS/ARGUMENTS**

Claims 1, 2, 5-17, and 19-40 are pending after entry of this amendment. Claims 1, 10, 17, 19, 20, 23, and 37 have been amended. Claim 4 is canceled. New claim 40 has been added. No new matter has been added by either the new claim or the amendments to the claims.

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite.

Claims 1-2, 4-17, 19-27, 33, and 35-39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cochran et. al. (US Patent No. 6,718,447) in view of Ulrich et. al (US Patent No. 6,775,792), Rajak (US Patent Publication No. 20030126152), and further in view of Terek (US Patent No. 6,804,700).

Claims 28-32, and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cochran et. al. (US Patent No. 6,718,447) in view of Ulrich et. al (US Pat. No. 6,775,792), Rajak (US Pat. Publication No. 20030126152), and further in view of Terek (US Pat. No. 6,804,700) and Applicant admitted prior art (Specification at Page 1-2 and Fig. 1).

**Claim Rejections under 35 U.S.C § 112, Second Paragraph**

Claim 1 has been amended to more accurately claim the subject matter of the present invention. Applicant believes that, as amended, claim 1 now particularly points out and distinctly claims the subject matter of the present invention. The specification paragraph [0034] and Fig. 2 have been amended to more fully show an example of an embodiment of the invention recited in claim 1 as amended. The changes in the specification and Fig. 2 merely serve to include a depiction of the claimed subject matter as originally filed, namely that client systems can access files on the second file system absent the file server, and thus do not add new subject matter.

Therefore, the Examiner is requested to withdraw the pending Section 112 rejection.

**Claim Rejections under 35 USC § 103(a)**

Amended claim 1 recites in part:

wherein a first client system accesses files on the first file system only via the file server and a second client system accesses files on the second file system directly, absent of the file server via a block interface, (Emphasis Added)

Fig. 2 is an illustrative embodiment of the claimed invention and shows that the client system 0101b is capable of accessing the second file system 0103d that is contained in the disk array 0107 via the apps server 0104. This can be accomplished without having to use the NAS gateway 0103.

The Examiner asserts that this element is disclosed by Cochran, citing at least Col 8, lines 3-14. Applicants respectfully traverse. Cochran is generally directed at a system for "providing backup copies of a logical unit provided by a data storage device" (Cochran Abstract). Cochran discloses a primary LUN and a backup LUN. A write request is first executed on the primary LUN and then on the backup LUN to keep both the LUN's in logically consistent state. A host "generates I/O requests and adds them to an output queue 404 for transmission, via a communications medium, to a disk array 418." (Cochran at Col 5, lines 61-64). This disk array 418 is associated with the primary LUN 420. Thus any I/O request generated by the host (for e.g. a 'write' request) is first executed on the primary LUN. Cochran further discloses,

A WRITE request from output queue 404 thus is transmitted first to the first disk array 418, queued to the input queue 416 of the first disk array 418. The controller of the first disk array 418 dequeues WRITE requests from the input queue 416, executes the WRITE requests on the primary LUN 420 to write data to the primary LUN, and queues mirror WRITE requests to output queue 422 for transmission to the input queue 426 of the second disk array 424 for writing to the backup LUN 428. (Cochran Col 6, lines 8-17).

Thus, as best understood, the host in Cochran does not communicate with the backup LUN directly. Only the primary LUN communicates with the backup LUN. Hence, Cochran does not disclose a second client system which "accesses files on the second file system

directly, absent of the file server via a block interface," since clearly only the primary LUN (and not a host) communicates with the backup LUN.

Claim 1 further recites in part:

when the file has not been copied to a second file system different from the first file system, then creating a copy of the file on the second file system having a filename the same as the file (Emphasis Added)

Thus, according to the claimed invention if it is determined that a file that is present in the first file system has not been copied to the second file system, the method includes creating a copy of that file on the second file system.

The Examiner asserts that this element is disclosed by Rajak citing, at least, paragraph [0052]. Applicants respectfully traverse. Rajak describes an export engine for building relational databases. As best understood, Rajak discloses an export engine that creates relational database tables in response to an input from the user. The user "selects data fields for the selected object via the GUI." (Rajak at paragraph [0046]). The GUI then generates an OQL query used by the export engine to extract data from the object model. The export engine then constructs a table based on the extracted data. Next, the staging database is checked to see if a table corresponding to the extracted data exists in the staging database. If the staging database does not contain such a table then the newly created table is automatically inserted into the staging database.

In sum, Rajak simply teaches that " the export engine can delete or save old tables and recreate new tables based on new table definitions, and the existing data can be converted to fit the new table definition automatically." (Rajak at paragraph [0057]). Nowhere does Rajak disclose copying a table from one location to another. Rajak merely creates a table based on user input and inserts that table in a staging database if the table does not exist in the staging database. Thus, Rajak fails to disclose "when the file has not been copied to a second file system different from the first file system, then creating a copy of the file on the second file system having a filename the same as the file."

Thus the cited references considered in combination, firstly fail to disclose each of the elements of amended claim 1, namely the second client system as recited and creating a copy as recited. Moreover, these limitations are not suggested by any combination of the cited

Appl. No. 10/688,329  
Amdt. dated September 11, 2008  
Reply to Office Action of June 13, 2008

PATENT

art. Since, the cited art does not teach or otherwise suggest each element of the claims, it follows that the combination thereof cannot render obvious the invention as claimed. The Section 103 rejections of the claims are believed to be overcome.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

/George B. F. Yee/

George B. F. Yee  
Reg. No. 37,478

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 415-576-0300  
GBFY:G1B  
61481880 v1